

Addendum To Judge Gene E.K. Pratter Policies and Procedures

Pro Hac Vice Applications

All motions for the pro hac vice admission of counsel shall be made by an attorney who is (1) admitted to practice before the District Court for the Eastern District of Pennsylvania and (2) whose appearance has been entered in the case in which the motion is made. Each such motion *must* be accompanied by the affidavit or similar declaration of each attorney being proposed for pro hac vice admission in which the affiant/declarant includes the following information and undertakings:

- a. Year and jurisdiction of each bar admission;
- b. Status of the attorney's admission(s), i.e., active or inactive, in good standing, etc.;
- c. Whether the attorney has ever been suspended from the practice of law in any jurisdiction or received any public reprimand by the highest disciplinary authority of any bar in which the attorney has been a member;
- d. That the affiant/declarant (i) has in fact read the most recent edition of the Pennsylvania Rules of Professional Conduct and the Local Rules of this Court and (ii) agrees to be bound by both sets of Rules for the duration of the case for which pro hac vice admission is sought; and
- e. That, if granted pro hac vice status, the affiant/declarant will in good faith continue to advise counsel who has moved for the pro hac vice admission of the current status of the case for which pro hac vice status has been granted and of all material developments therein.

Discovery Disputes and Certifications Under Local Rule 26.1(f)

Prior to submission of any discovery dispute to the Court for resolution, counsel should consult Local Rule 26.1(f) which requires counsel for the disputing parties to make reasonable efforts to resolve the discovery dispute before submitting it to the Court for decision. The Rule requires that counsel who is submitting the dispute to the Court include a certification that a good faith resolution effort has been made by counsel involved in the dispute. Judge Pratter expects that such a certification will be substantive and meaningful. For example, it is *not* sufficient for the certification to simply recite that “reasonable efforts have been made but were unsuccessful”, that “counsel have conferred in good faith”, that “counsel repeatedly conferred with opposing counsel”, or similar generalities. See, e.g., Naviant Marketing Solutions, Inc. v. Larry Tucker, Inc., 339 F.3d 180, 186 (3d Cir. 2003); Evans v. American Honda Motors Co., Inc., 2003 WL 22722417 at *1-2 (E.D. Pa. Nov. 26, 2003).

Accordingly, when counsel elect to submit a discovery dispute to Judge Pratter, the submission must include a Rule 26.1(f) certification that delineates with specificity the actual efforts made to resolve the discovery dispute amicably. Failure to include such a certification will subject the submission to summary denial of a discovery motion without substantive consideration.